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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,758	06/18/2001	William Martin Snelgrove	13222.00041	7543
27160	7590	09/29/2006		
PATENT ADMINISTRATOR KATTEN MUCHIN ROSENMAN LLP 1025 THOMAS JEFFERSON STREET, N.W. EAST LOBBY: SUITE 700 WASHINGTON, DC 20007-5201			EXAMINER PHAN, MAN U	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/787,758

Applicant(s)

SNELGROVE ET AL

Examiner

Man Phan

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 2-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/22/01, 4/17/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

1. The application of Snelgrove et al. for a "Method and system of teleconferencing" filed 06/18/2001 has been examined. This application is a national stage entry of PCT/CA99/00875 International Filing Date: 09/24/1999 Which Claims Priority from Provisional Application 60101857 filed 09/25/1998. Claims 1-14 are pending in the application.

***Claim Rejections - 35 USC ' 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

Art Unit: 2665

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. (US#6,501,740) in view of Marshall (US#5,384,772).

With respect to claims 1 and 11, 12, Sun et al. (US#6,501,740) disclose a novel system and method for teleconferencing using mixed telecommunications networks, according to the essential features of the claims. Sun et al. discloses in Fig. 3 a block diagram illustrated a system for teleconferencing using internetworks, in which the call server receives connectionless input signals from users through the connectionless network, multiplexes the signals, and translates the multiplexed signal into a connection-oriented output signal. The output signal is sent to the bridge connected to the connection-oriented network, which shares the signal with connection-oriented users. The call server receives a connection oriented input signal from the bridge, translates the connection oriented signal into connectionless output signal, and sends the connectionless signal to the users on the connectionless network. Thus, both connectionless and connection-oriented conferees can advantageously participate in the same teleconference. The call server accepts connectionless teleconference identification data from users, as well as caller authentication data, and provides both to the bridge. The call server further advantageously monitors the status of connectionless users and the connection to the bridge, and provides control signals and information both to the bridge through means such as DTMF signals and to the users through multimedia interfaces (Seealso Figs. 1 & 2; Col. 2, lines 25 plus).

However, Sun et al. does not disclose expressly the step of combining separate audio signals into a signal for the audio input of the respective user terminal which correlates to the needs of the respective user terminal. In the same field of endeavor, Marshall (US#5,384,772) discloses a system and method for processing audio data for a teleconference, in which the bridge terminal intermittently receives packets of audio data from each client terminal, selectively mixes the audio data, and transmits packets of mixed audio data to the client terminals. The rate at which the bridge terminal mixes data is preferably greater than the rates at which the client terminals capture and play back audio data. Each client terminal implements special processing to determine how to handle each new packet of mixed audio data received from the bridge terminal. The special processing is based on the number of packets in the receiving buffer of the client terminal (Fig. 1; Col. 2, lines 13 plus and Col. 3, lines 29 plus). It's noted that the audio mixing can be accomplished in a manner analogous to video mixing. Incoming audio signals from each client terminal to a teleconference are added together to form a composite output. For a five client terminals teleconference, for example, the first client terminal is assigned a mixer which mixes audio samples from each of the other four client terminals and provides this output to the first client terminal.

Regarding claims 13, 14, These claims differ from claims Sun et al. in view of Marshall in that the claims recited a computer program product for performing the same basis of steps and apparatus of the prior arts as discussed in the rejection of claims 1 and 11, 12 above. Therefore, claims 13, 14 are analyzed and rejected as previously discussed with respect to claims 1 and 11, 12. It would have been obvious to a person of ordinary skill in the art to implement a computer program product in Sun et al. in view of Marshall for performing the

Art Unit: 2665

steps and apparatus as recited in the claims with the motivation being to provide the efficient enhancement to a teleconferencing in the internetworks, and easy to maintenance, upgrade.

One skilled in the art would have recognized the need for effectively and efficiently teleconferencing using an internetworks, and would have applied Marshall's teleconferencing system utilizing the combining audio signals from client terminals into Sun's novel use of a system and method for teleconferencing using mixed telecommunications networks.

Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Marshall's method and apparatus for audio flow control during teleconferencing into Sun's system and method for teleconferencing on an internetwork comprising connection-oriented and connectionless networks with the motivation being to provide a method and system for teleconferencing.

***Allowable Subject Matter***

5. Claims 2-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest wherein the modular connection management software for establishing interconnections between the three or more user terminals and the modular mixing software, including a connection proxy for each of the three or more user terminals and the telecommunications network; and each of the connection

Art Unit: 2665

proxies executing on the system and being operable to represent its owner's interest in managing the teleconference by recognizing the limitations of its resources, as specifically recited in the claims

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Polomski (US#2003/0231600) is cited to show the video teleconferencing system with digital transcoding.

The Todd (US#5,072,442) is cited to show the multiple clock rate teleconferencing network.

The Wilson (US#6,463,038) is cited to show the telephone conferencing systems.

The Wilson (US#2002/0191550) is cited to show the telephone conferencing systems.

The Detampel, Jr. et al. (US#6,330,321) is cited to show the method for on-demand teleconferencing.

The Kriete et al. (US#5,699,352) is cited to show the distributed teleconferencing system.

The Horn (US#6,178,237) is cited to show the teleconferencing audio bridge.

The Hendrickson et al. (US#5,276,678) is cited to show the distributed switching and telephone conferencing system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (571) 272-3149. The

Art Unit: 2665

examiner can normally be reached on Mon - Fri from 6:00 to 3:00.

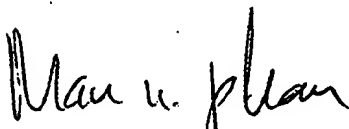
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

Mphan

05/18/2005.



MAN U. PHAM  
PRIMARY EXAMINER